

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Chris Jones,

Petitioner

v.

State of Nevada, et al.,

Respondents

Case No. 2:24-cv-01556-CDS-BNW

**Order Dismissing Petition without
Prejudice for Failure to Exhaust**

[ECF No. 9]

In this closed habeas matter, petitioner Chris Jones, a pro se Nevada prisoner, has submitted a petition for writ of habeas corpus under 28 U.S.C. § 2254. In November 2024, following an order to show cause, I dismissed Jones's petition without prejudice for failure to exhaust. Although he filed a state habeas petition, such petition was pending in the state district court.

On April 30, 2025, Jones filed another petition in this court. ECF No. 9. As indicated in his petition, he filed a state habeas petition, but has not appealed the denial of his petition. *Id.* at 1. As provided in my show cause order, to satisfy the exhaustion requirement, a claim must have been raised through one complete round of either direct appeal or collateral proceedings to the highest state court level of review available. *O'Sullivan v. Boerckel*, 526 U.S. 838, 844–45 (1999); *Peterson v. Lampert*, 319 F.3d 1153, 1156 (9th Cir. 2003) (en banc). Jones's claims have not been appealed to the state appellate court and thus have not been raised through one complete round to the highest state court level of review available. In addition, I instructed Jones to file his petition in a new case following exhaustion of his claims in state court. Accordingly, there are no grounds on which Jones may proceed. This habeas matter remains closed.

Jones is again instructed to file a petition in a new case following the exhaustion of his claims in state court, including appealing the denial of his state habeas petition to the state appellate court.

Conclusion

I therefore order that petitioner Chris Jones's petition for writ of habeas corpus [ECF No. 9] is dismissed without prejudice.

I further order that to the extent necessary, a certificate of appealability is denied because jurists of reason would not find debatable whether the court is correct in dismissing this action.

Dated: May 16, 2025



Cristina D. Silva
United States District Judge